UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,075	09/13/2002	David Allport	ER 1615.01 US	2612

22887 7590 01/20/2011
PIONEER NORTH AMERICA, INC.
- INTELLECTUAL PROPERTY DEPARTMENT
2265 E. 220TH STREET
LONG BEACH, CA 90810

EXAMINER	
HONG, HYUN J	

ART UNIT	PAPER NUMBER
2426	

MAIL DATE	DELIVERY MODE
01/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/065,075	ALLPORT, DAVID	
	Examiner	Art Unit	
	Hyun J. Hong	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-128,161 and 162* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-128,161 and 162* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 September 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an Amendment filed 11/02/10. Claims 1-128, 161, 162 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 1, 24-46, 56-78, 88-110, 120-128, 161, 162 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Yamashita (US 7,051,353).

Regarding claim 1, Schein discloses an electronic program guide system comprising (fig. 1):

A program grid including a plurality of cells, wherein each of said cells contains program information (fig. 1 (199)); and

A visual indicator of an active point in time disposed within said program grid (fig. 1(199))

Said program grid including an axis representing time (fig. 1);

Said visual indicator including a position corresponding to a single point in time of an active cell within said grid (fig. (199)).

Wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 1(199) *the timeline is a dotted line).* wherein said visual indicator is moveable relative to the axis (col. 4 lines 7-21).

Schein does not disclose in response to user commands, and each up , down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

However, Yamashita discloses in response to user commands, and each up , down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible (col. 6 lines 27-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the scrollable grid of Yamashita into the EPG of Schein. This would enable the user to view cells that are not currently displayed in the program guide.

Regarding claim 2, Schein discloses wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis (fig. 1).

Regarding claim 3, Schein discloses wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position (fig. 1).

Regarding claim 4, Schein discloses wherein said visual indicator is movable relative to the horizontal axis and vertical axis (fig. 1 mouse pointer, col. 4 lines 21-32);

Regarding claim 5, Schein discloses wherein said visual indicator is an information line (fig. 1 7:30 pm line).

Regarding claim 6, Schein discloses wherein said visual indicator indicates one active cell within said grid (col. 4 lines 21-32).

Regarding claim 7, Schein discloses wherein said information line is vertically oriented (fig. 1).

Regarding claim 8, Schein discloses wherein said information line intersects a plurality of said cells (fig. 1).

Regarding claim 9, Schein discloses wherein said visual indicator indicates one active cell within said grid and a visually distinctive segment for indicating said one active cell (fig. 1).

Regarding claim 10, Schein discloses wherein said visual indicator is an icon (fig. (199)).

Regarding claim 11, Schein discloses wherein said visual indicator is a visually distinctive graphical element (fig. 1(199))

Regarding claim 12, Schein discloses further comprising a visual indication of an active row within which said active cell is contained (fig. 19).

Regarding claim 13, Schein discloses wherein said visual indication of said active row (fig. 19), in combination with said visual indicator of said active point in time, indicate said active cell (fig. 1 (199) of Schein).

Regarding claim 14, Schein discloses further comprising a supplemental information display area, wherein said supplemental information display provides information on a program displayed within said active cell (fig. 15).

Regarding claim 24, Schein discloses wherein, in response to a user command to move said visual indicator up, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 25, Schein discloses wherein, in response to a user command to move said visual indicator down, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 26, Schein discloses wherein a first active cell within said grid is indicated, said first active cell displaying program information for a first program (fig. 1, col. 4 lines 6-32).

Regarding claim 27, Schein discloses wherein, in response to a user command to move said visual indicator right, said visual indicator is relocated to a new horizontal

position said new horizontal position corresponding to an end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 28, Schein discloses wherein, in response to said user command to move said visual indicator right, said first active cell is deactivated, and a second cell becomes active, said second cell being located on the same row and to the right of previous said first active cell, said second cell displaying program information for a second program, said second program having a start time equal to said end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 29, Schein discloses wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of said grid (fig. 1, col. 4 lines 6-21).

Regarding claim 30, Schein discloses wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active; said second cell being located to the left of said first active cell; said second cell being the first cell appearing in said grid on said row (fig. 1, col. 4 lines 6-32).

Regarding claim 31, Schein discloses wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of a second cell; said second cell being located on the same row and to the left of said first active cell; said second cell being immediately adjacent to said first active cell (fig. 1, col. 4 lines 6-32).

Regarding claim 32, Schein discloses wherein, in response to said user command to move said visual indicator left, said first active cell is deactivated, and said second cell becomes active (fig. 1, col. 4 lines 6-32).

Regarding claims (33-40, 42, 43, 56-64), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (65-72, 74, 75, 88-96), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (97-104, 106, 107, 120-128), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (41, 44-46), see the rejections of claims 9, 12-14 respectively.

Regarding claims (73, 76-78), see the rejections of claims 9, 12-14 respectively.

Regarding claims (105, 108-110), see the rejections of claims 9, 12-14 respectively.

Regarding claim 161, Schein discloses wherein the visual indicator is displayed on all cells of said active point in time disposed within the grid (fig. 1(199)).

Regarding claim 162, see the rejection of claim 161.

2. Claims 15-23, 47-55, 79-87, 111-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Yamashita (US 7,051,353) in view of Broadus (US 2002/0144264).

Regarding claim 15, Schein in view of Yamashita does not disclose a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

In analogous art, Broadus discloses a duration strip that provides a visual indication of airing time for a program displayed within said active cell (fig. 5(514)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 16, Schein in view of Yamashita does not disclose wherein said duration strip is disposed within said supplemental information display area

However, Broadus discloses wherein said duration strip is disposed within said supplemental information display area (fig. 5 (514) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 17, Schein in view of Yamashita does not disclose wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell.

However, Broadus discloses wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell ([0074-0075] of

Broadus *The duration strip, as well as the information line are dependent upon the current time).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 18, Schein in view of Yamashita does not disclose wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid

However, Broadus discloses wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid (fig 5 (512) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 19, Schein in view of Yamashita does not disclose further comprising a descriptive label that provides additional information on a program displayed within said active cell.

However, Broadus discloses further comprising a descriptive label that provides additional information on a program displayed within said active cell (fig. 5(514) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 20, Schein in view of Yamashita does not disclose wherein said descriptive label is disposed within said supplemental information display area

However, Broadus discloses wherein said descriptive label is disposed within said supplemental information display area (fig. 5(514) of Broadus *The cell is the supplemental information display area).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 21, Schein in view of Yamashita does not disclose wherein said descriptive label is movable to correspond with movement of said information line.

However, Broadus discloses wherein said descriptive label is movable to correspond with movement of said information line ([0070-0071] of Broadus *The duration bar and the information line move according to the current time).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 22, Schein in view of Yamashita does not disclose wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell

However, Broadus discloses wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell ([0070-0071] of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claim 23, Schein in view of Yamashita does not disclose wherein text displayed in said supplemental information display area wraps around said descriptive label.

However, Broadus discloses wherein text displayed in said supplemental information display area wraps around said descriptive label (fig. 5 of Broadus *The cell is wrapped around the duration bar*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Yamashita. This would enable the user to see how much a current program has been broadcast.

Regarding claims 47-55, see the rejections of claims 15-23, respectively.

Regarding claims 79-87, see the rejections of claims 15-23, respectively.

Regarding claims 111-119, see the rejections of claims 15-23, respectively.

Response to Arguments

In response to applicant's argument:

Applicant's claim 1 requires,

"said program grid including an axis representing time;"

"said visual indicator is movable relative to the axis in response to user commands"

Schein states,

As shown in FIG. 1, the current time is represented by the location of the time line 199 with respect to the start times of the programs.

Time line 199 merely represents the current time. Nowhere does Schein disclose or suggest that time line 199 is movable (relative to an axis representing time) in response to user commands.

If timeline 199 were movable relative to the axis representing time, then its location would fail to represent the "current time"!

No person of ordinary skill in the art would interpret timeline 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

Examiner respectfully disagrees. Schein teaches that the time line is movable along the axis because the time line shifts position as the time changes (fig. 1). The time line is not a stationary object, and therefore is movable along the axis.

In response to applicant's argument:

The Examiner states, ""fig. 1 (199) *the timeline is a dotted line)."*

Looking at FIG. 1 in Schein, the timeline 199 is a vertical dotted line. The entire timeline 199 is dotted.

Timeline 199 does not have a portion specifying an "active cell", as required by claim 1. Further, since the entire timeline 199 is dotted, timeline 199 does not have a portion

specifying the active cell, which is visually different from another portion of said visual indicator, as required by claim 1. Rather, the timeline 199 is dotted across all cells (active or not) positioned at the current time.

Examiner respectfully disagrees. The time line intersects cells along the vertical axis and these cells are considered the active cells (fig. 1). Since the timeline is a dotted line, some portions of the line are different from other portions of the line.

In response to applicant's argument:

But Yamashita fails to disclose a visual indicator as recited in Applicant's claim 1, so Yamashita provides the skilled person with no guidance as to how a visual indicator should move or how a timeline such as Schein' s could be modified.

The Applicant assumes the Examiner considers it obvious to modify the timeline 199 of Schein such that each up, down, left or fight user command causes the visual indicator (alleged timeline 199) to move to and activate a different cell within the grid that is adjacent to the currently active cell.

As described above, Schein's timeline 199 is NOT movable relative to an axis that represents time in response to user commands (including up, down, left or right user commands). Time line 199 merely represents the current time. If timeline 199 were movable relative to the axis representing time, in response to user commands, then its location would fail to represent the "current time".

No person of ordinary skill in the art would interpret timeline 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led by Yamashita to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

Even if Schein were modified according to Yamashita, such a modification would not involve movement of Schein's timeline 199 to act as a visual indicator as recited in Applicant's claim 1. Rather, the resulting combination would incorporate movement of a cursor according to Yamashita, using cursor movement keys 12U, 12D, 12L and 12R. And such a cursor would not satisfy the characteristics of Applicant' s claimed visual indicator.

Examiner respectfully disagrees. Yamashita teaches that a cell is set as a reference cell and then the program guide is scrolled (col. 6 lines 27-38). Incorporating the scrolling of Yamashita into the EPG and timeline of Schein would allow a user to scroll a program guide using the cells intersected by the timeline as reference cells. Scrolling

the program guide would also "move" the timeline of Schein because a different portion of the program guide is being displayed.

Conclusion

Claims 1-128, 161, 162 are rejected.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
January 18, 2011